



February 19, 2013

Mr. Phil Mocek
MuckRock News
Dept. MR 2506
P.O. Box 55819
Boston, MA 02205-5819

RE: FOIA Case No. 2013-FPRO-00321

Dear Mr. Mocek:

This is a partial response to your Freedom of Information Act (FOIA) request dated January 14, 2013, in which you seek access to Postal Service records pertaining to five listed items.

Specifically, you requested:

1. Staff roster for U.S. Postal Service's "East Union" office at 1110 23rd Avenue in Seattle, Washington.
2. Staff schedule and attendance records for the East Union office applicable to Saturday, January 12, 2013.
3. Any audio, video, or photographic records for the East Union office between 1:45 p.m. and 2:15 p.m. on January 12, 2013, such as those recorded by the surveillance camera mounted on the wall adjacent to the retail counter.
4. A log of Web addresses browsed to on the computer in the East Union office whose monitor is visible from the delivery pickup window, between 1:45 p.m. and 2:15 p.m. on January 12, 2013.
5. Any incident reports, daily activity logs, and similar records filed by Justin at the East Union office regarding his work at that office on January 12, 2013.

Regarding Items 1, 2, 3, and 5, we referred these portions of your request to the Manager, Consumer and Industry Contact in our Seattle District for processing and direct response to you.

The FOIA, 5 U.S.C. § 552, is a records and document statute that permits access only to federal agency records unless the records qualify for one of several exemptions. Under the FOIA, an individual may only obtain access to records "written or transcribed to perpetuate knowledge or events." The core purpose of the FOIA is to provide the public with information about the conduct of government agencies and does not require the Postal Service to provide you with information that is not contained in its records.

Responsible persons in our Information Technology Department were contacted about Item 4 of your request. I have been advised that a records search cannot be performed to produce a log of Web addresses visited by a particular computer work station. Therefore, we have no responsive records for this portion of your request.

We note that in your letter you ask to be treated as a news media/press representative "...as part of the public information service at MuckRock.com" for the purpose of assessing fees. Although you may have submitted your request through Muckrock.com, a Web site which serves as a request proxy, you have not demonstrated how you are actively gathering news for an entity that disseminates news to the public.

You also stated that charges be waived because of the public interest in the information requested. In response, we decline your request for a fee waiver. Postal Service regulations governing the waiver of fees (Section 265.9(g)(3) of Title 39, Code of Federal Regulations) permit waiver of a fee when it is determined that furnishing the records is deemed to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the federal government, and is not primarily in the commercial interest of the requester.

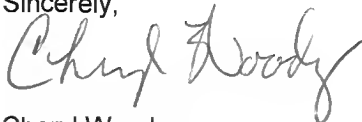
Postal Service regulations provide that a requester may ask that fees or the advance payment of fees be waived in whole or in part. The waiver request must describe all of the following: how the information will be used; to whom it will be provided, including the public; how the public is to benefit from the disclosure; any personal or commercial benefit that the requester expects from disclosure; and the intended user's identity, qualifications, and expertise in the subject area (see Section 4-2.3, Handbook AS-353, *Guide to Privacy, the Freedom of Information Act, and Records Management*). Your fee waiver request did not include all of this required information.

Regarding fees under the FOIA, fair and equitable fees are established to permit the furnishing of records to the public, while recovering costs incurred by the Postal Service. Costs are calculated under our fee regulations at section 265.9 of Title 39, Code of Federal Regulations, as they apply to "other requesters."

Those regulations permit us to assess fees at a rate of \$32.00 per hour for manual search time and \$0.15 cents per page for duplication after providing the first two hours of search time and the first 100 pages at no charge. The fee for retrieving electronic data is the actual direct cost of the retrieval, including computer search time and personnel cost in effect at the time and personnel cost in effect at the time that the retrieval services are performed. In addition, our regulations require that requesters be notified in advance of all costs expected to exceed \$25.00. Fees totaling less than \$10 are waived. For requests in which the cost of processing will exceed \$250.00, we require at least 50 percent advance payment with a written agreement to accept any assessable costs incurred.

You have the right to appeal this partial response of your request by writing to the General Counsel, U.S. Postal Service, Washington, DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why it is believed to be erroneous, and the relief sought, along with copies of the original request, this letter, and any other related correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Woody".

Cheryl Woody
Consumer Research Analyst

cc: Sina Taihia-Siva